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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,346	02/12/2001	David W. Grimes	2126 C-1	1977
7590	09/20/2004			
CROMWELL & MORING, LLP P.O. BOX 14300 Washington, DC 20044-4300			EXAMINER DUONG, DUC T	
			ART UNIT 2663	PAPER NUMBER

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,346

Applicant(s)

GRIMES, DAVID W.

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung et al (U.S. Patent 6,252,952 B1).

Regarding to claim 1, Kung discloses a method for providing telephonic communication services, comprising the steps of obtaining an analog signal from a telephone for selection from the group consisting of initiating a message, and receiving a message (col. 24 lines 30-33); converting such analog signal to digital (col. 24 lines 33-35); creating plurality outgoing digital data packets from individual digital signals (col. 24 lines 35-40), and providing an interface 302 for transfer of such digital data packets to an analog-operated carrier medium having hardwired characteristics (Fig. 3 col. 18

lines 15-18), selected from the group 112 consisting of fiber optic lines, coaxial cable, and combinations thereof (col. 24 lines 40-44), while providing for selection from the group consisting of initiating a message, receiving a message, and combinations thereof (col. 18 lines 27-41).

Regarding to claim 2, Kung discloses the step of selecting an electrical capacitive interface 302 for transfer of such digital data packets to an analog-operated electrical power transmission network carrier medium (Fig. 3 col. 18 lines 18-22).

Regarding to claim 3, Kung discloses such digital signal packet transfers are selected from the group consisting of voice, data, and combinations thereof (col. 3 lines 43-49).

Regarding to claim 4, Kung discloses receiving plurality of incoming digital data packets as individual digital signals (col. 15 lines 41-45); converting such digital signals to analog (col. 9 lines 45-48, the call manager 218 perform such function); and sending such converted analog signals over such analog-operated carrier medium, with selection from a single telephone user (col. 15 lines 50-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (U.S. Patent 6,252,952 B1) in view of Gerszberg et al (U.S. Patent 6,480,748 B1).

Regarding to claim 5, Kung discloses an apparatus for providing telephonic communication service over a carrier medium, by combining user service unit 300 (Fig. 3), including interface means 332 for connecting such service unit to a telephone (Fig. 3 col. 21 lines 36-39), external/internal module 344 with digital signal processor means and coder/decoder means (Fig. 3 col. 18 lines 56-58), control processor means 306 for controlling operation of such digital such service unit signal processor means (Fig. 3 col. 17 lines 61-64), including read only memory 330 with operating such central processing unit (Fig. 3 col. 17 lines 55-58), instructions from and random access memory 322 (Fig. 3 col. 17 lines 51-54); packet controller means 316 (Fig. 3 col. 19 lines 49-55), and carrier access controller means 302 (Fig. 3 col. 18 lines 15-18); a gateway means 200 (Fig. 2), comprising packet interface means 210 (Fig. 2 col. 6 lines 55-59), including means for connecting to such carrier medium 112 (Fig. 1 col. 4 lines 31-36), multiplexer means 224 (Fig. 2 col. 11 lines 44-47), and gateway central processor means 216 for controlling operation including such multiplexer means (Fig. 2 col. 8 lines 15-18), and connector means 23-232 for connecting such gateway means to a public service telephone network trunk (Fig. 2 col. 12 lines 46-48).

Kung fails to teach the gateway includes read only memory with operating instructions from such gateway central processor means and random access memory.

However, Gerzberg discloses a telephonic communication system comprising a gateway 22 with ROM 105 and RAM 103-104 (Fig. 2 col. 8 lines 1-2).

Thus, it would have been obvious to a person of ordinary skill in the art to employ a gateway with ROM and RAM as taught by Gerszberg in Kung's system since such

memories are well known in the art and has been used for the purpose of providing instructions the operation of the system.

Regarding to claim 6, Kung discloses wherein such digital signal processor means of such service unit includes a voice coder (col. 18 lines 56-57).

Regarding to claim 7, Kung discloses such packet controller of such service unit utilizes voice-over telephone chip (col. 18 lines 23-27).

Regarding to claim 8, Kung discloses such carrier medium is selected from the group consisting such as fiber optic lines, coaxial cable, and combinations thereof (col. 4 lines 31-33).

Pertinent Prior Art

5. U.S. Patent 6,404,773 B1 (Williams et al).

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-Th (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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